

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20544**

In the Matter of	)	
Vonage Holdings Corp.	)	
Petition for Limited Waiver	)	
of Section 52.15(g)(2)(i) of the	)	CC Docket No. 99-200
Commission's Rules Regarding Access	)	
to Numbering Resources	)	

**EMERGENCY REQUEST FOR EXPEDITED APPROVAL  
OF VONAGE'S PETITION FOR LIMITED WAIVER  
OF SECTION 52.15(g)(2)(i)**

**I. INTRODUCTION**

On March 4, 2005, Vonage Holdings Corporation ("Vonage") filed a petition for limited waiver of the Commission's numbering rules.<sup>1</sup> The requested waiver would allow Vonage to receive direct numbering resource assignments from the North American Numbering Pool Administrator ("NANPA") and/or the Pooling Administrator ("PA").<sup>2</sup> Vonage sought waiver of the Commission's numbering rules to explore alternative means of interconnection with the public switched telephone network ("PSTN"). The comment period concerning Vonage's waiver request closed on April 26, 2005.<sup>3</sup>

---

<sup>1</sup> See *Vonage Holdings Corp. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources*, Petition for Limited Waiver, CC Docket No. 99-200 (filed Mar. 4, 2005) ("Vonage Waiver Petition").

<sup>2</sup> In addition, Vonage requests that the Commission grant the waiver to Vonage Network Inc. rather than the original petitioner, Vonage Holdings Corp. Due to a corporate restructuring, Vonage Network Inc. is now the appropriate entity to have the authority to directly obtain telephone numbers from the NANPA or the PA. Vonage requests that Vonage Network Inc. be substituted as the petitioner in this proceeding.

<sup>3</sup> *Wireline Competition Bureau Seeks Comment on RNK, Inc. d/b/a RNK Telecom, Nuvio Corporation, Unipoint Enhanced Service d/b/a PointOne, Dialpad Communications, Inc., Vonage Holdings Corporation, and VoEX, Inc. Petitions for Limited Waiver of Section 52.15(g)(2)(i) of the*

Due to recent developments, Vonage urgently requests that the Commission grant the Company's pending waiver petition as soon as possible, and requests certain changes in the proposed conditions of the waiver. This petition has new urgency due to two critical events: (1) the Commission's announcement that it will require interconnected Voice over Internet Protocol ("VoIP") providers that enable customers to receive calls from and terminate calls to the PSTN to enable enhanced 911 ("E-911") functionality to their customers within 120 days of the effective date of the soon-to-be released order;<sup>4</sup> and (2) the receipt of a letter from BellSouth Corporation ("BellSouth") indicating that, for E-911 calls routed over BellSouth's network, Vonage "is responsible for provisioning and assignment of ... [pseudo-Automatic Number Identification] that [is] local to the E-911 Selective Router from its own pool of numbers."<sup>5</sup>

## **II. VONAGE NEEDS PSEUDO-ANI CODES TO ENABLE E-911 SERVICE FOR VOIP USERS WITH NON-NATIVE TELEPHONE NUMBERS**

Pseudo-Automatic Number Identification ("pANI") codes are non-dialable North American Numbering Plan telephone numbers. They are currently used by wireless service providers, in lieu of a dialable telephone number, to route calls to E-911-capable PSAPs where the telephone number used by the caller is not "native" to the geographic area served by the PSAP (that is, the number is assigned to an area code or exchange other than the one in which the PSAP is located).

---

*Commission's Rules Regarding Access to Numbering Resources*, CC Docket No. 99-200, Public Notice, DA 05-663 (March 11, 2005).

<sup>4</sup> See Press Release, Federal Communications Commission, Commission Requires Interconnected VoIP Providers to Provide Enhanced 911 Service; Order Ensures VoIP Customers Have Access to Emergency Services (May 19, 2005).

<sup>5</sup> Letter from Mr. William L. Smith, Chief Technology Office for BellSouth Corp., to Mr. Jeffrey Citron, Chairman, Vonage Holdings Corp. (dated May 19, 2005) ("BellSouth Letter"). Attached hereto as Exhibit 1.

Vonage needs this same capability to provide E-911 functionality, including Automatic Location Information, for VoIP users with non-native telephone numbers. A VoIP user may have a non-native number for either of two reasons: (1) the customer has requested the assignment of a number that is not native to the primary location at which they use the service, for their own convenience or that of their callers; or (2) the customer may be accessing the service from somewhere other than their primary location.

Pseudo-ANIs are needed for routing of non-native numbers because many selective routers are unable to route calls originating from non-native numbers.<sup>6</sup> Many of these routers use legacy technology that cannot correctly route non-native numbers, and also can only transmit 7 or 8 digits of ANI to the Public Safety Answering Points (“PSAPs”).<sup>7</sup> Therefore, non-native ANIs are replaced with a pseudo-ANI that is “native” to the PSAP, but non-dialable; for example, codes in the form NPA-211-XXXX and NPA-511-XXXX have been used as pseudo-ANIs. E-911 service depends on the service provider to route the call to the appropriate local PSAP based on the caller’s location. The PSAP then obtains location information by querying the automatic location information (“ALI”) database. The ALI database contains address information for wireline telephone numbers. For pANI codes, the ALI database contains a record that “steers” the query to a separate database that the service provider can update on a real-time basis, which delivers to the PSAP the actual location from which the call originated. The caller’s actual telephone number is also transmitted with the call so that emergency

---

<sup>6</sup> A selective router, or “9-1-1 tandem,” is a circuit switch, usually operated by an incumbent LEC, that routes incoming calls to PSAPs based on a database that matches originating telephone numbers to the political subdivisions served by each PSAP.

<sup>7</sup> See, e.g., Dale N. Hatfield for the Federal Communications Commission, *A Report on Technical and Operational Issues Impacting the Provision of Wireless Enhanced 911 Services* at 4-5 (filed in WT Docket No. 02-46 Oct. 15, 2002) (available at [http://gulfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native\\_or\\_pdf=pdf&id\\_document=6513296239](http://gulfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6513296239)).

personnel have call-back information in case the call is cut off or if the emergency operator needs to talk with the caller again. ALI capability permits rapid response in situations where callers are disoriented, disabled, unable to speak, or do not know their location. In these situations, ALI permits the immediate dispatch of emergency assistance to the address of the caller. ALI also reduces errors in reporting the location of the emergency and in forwarding accurate information to emergency personnel.

Thus, to provide a complete VoIP E-911 solution, Vonage needs (1) access to 9-1-1 selective routers at every location where one of its customers might use its service, which is to say to every selective router in BellSouth's territory and throughout the United States; and (2) access to the wireless overlay solution offered by telephone carriers and made available to wireless carrier – this includes the pseudo-telephone number (so-called “pANI”) codes used by wireless carriers to route their 9-1-1 calls.<sup>8</sup> In the absence of access to pANI, Vonage will require authority from the Commission to obtain such codes from the NANPA or PA. As the BellSouth letter indicates, BellSouth will not supply Vonage with pANI; instead, Vonage must supply such codes.<sup>9</sup> Accordingly, Vonage requires immediate grant of its pending petition for limited waiver of the Commission's numbering rules.

Vonage has no viable alternative to the use of pseudo-ANIs for providing E-911 capabilities. It cannot rely on CLECs for the provision of an E-911 solution because existing interconnection agreements do not provide for access to the various network elements used by wireless carriers necessary to provide access to facilitate 911 call delivery, and in any case

---

<sup>8</sup> See Ex Parte Letter from William B. Wilhelm, Jr., Counsel for Vonage Holdings Corp., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 04-36 (filed May 5, 2005).

<sup>9</sup> See BellSouth Letter, at 2.

CLECs have not needed, and therefore have not installed, the hardware and software necessary to use pseudo-ANI codes.<sup>10</sup>

Moreover, even if CLECs did have access to these wireless network elements, many areas are without CLEC coverage. This includes most rural areas where CLECs are unable to obtain interconnection because of the exemptions granted to rural telephone companies. CLECs cannot obtain telephone numbers or pANI codes that would be local to selective routers located in the service areas of rural telephone companies since CLECs lack the authority to offer telecommunications services in rural service areas. Thus, if the Commission does not provide Vonage with immediate relief and grant Vonage's petition for limited waiver of the Commission's numbering rules, Vonage will lack the ability to obtain pANI codes in rate centers that are local to selective routers in many rural areas.

Granting Vonage's pending waiver request is thus a necessary pre-condition to enabling Vonage to deploy an E-911 solution to its customers. Vonage makes no representation as to whether granting the waiver will allow the Company to deploy an E-911 solution within 120 days of the effective date of the Commission's Order. In the absence of the text of the Order, Vonage is uncertain as to what it will require to comply with the Order's dictates. Also, access to numbering resources is but one component of a complex and resource-intensive project that is actively underway to develop a nationwide E-911 solution. However, failure to grant Vonage's waiver request in a timely manner would make it impossible for Vonage to provision an E-911 solution for non-native callers within 120 days of the effective date of the order.

---

<sup>10</sup> See, e.g., Letter from John T. Nakahata, Counsel for Level 3 Communications, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 04-36 (filed May 13, 2005); Ex Parte Letter from Robert W. Quinn, Jr., Vice President of Federal Government Affairs, AT&T Corp., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 04-36 (filed May 9, 2005).

### III. THE COMMISSION SHOULD MODIFY CERTAIN WAIVER CONDITIONS

Vonage further requests that the Commission revise some of the conditions it imposed on SBC Internet Services, Inc. (“SBC-IS”) when the Commission granted SBC-IS’ request for identical relief.<sup>11</sup> Specifically, Vonage requests that the Commission not require the Company to provide 30 days notice to the Commission or the relevant state commission prior to requesting numbering resources from the NANPA or the PA due to the short timeframe that Vonage has to develop and deploy an E-911 solution. Additionally, Vonage requests a revision to the facilities-readiness requirement adopted in the *SBC-IS Waiver Order*.

In adopting the *SBC-IS Waiver Order*, the Commission required SBC-IS to submit any request for numbering resources to the Commission and the relevant state commission 30 days prior to requesting numbering resources from the NANPA or the PA.<sup>12</sup> Due to the speed with which Vonage must implement an E-911 solution, this notification requirement would be contrary to the public interest in this case. Requiring Vonage to provide 30 days notice will significantly impede the Company’s ability to comply with the duty to develop and deploy an E-911 solution within 120 days. Alternatively, Vonage requests that the Commission accept this filing as notice to both the Commission and state commissions of the Company’s intent to seek numbering resources in those rate centers throughout the United States where Vonage requires such resources in order to deploy an E-911 solution.

The Commission further required SBC-IS to establish facilities-readiness prior to requesting numbering resources from the NANPA or PA.<sup>13</sup> Pursuant to the *SBC-IS Waiver Order*, SBC-IS can demonstrate facilities-readiness in one of two ways: (1) SBC-IS can provide

---

<sup>11</sup> *Administration of the North American Numbering Plan*, CC Docket No. 99-200, Order, FCC 05-20, ¶ 9 (released Feb. 1, 2005) (“SBC-IS Waiver Order”).

<sup>12</sup> *See id.* at ¶ 9.

<sup>13</sup> *See id.* at ¶ 10.

a copy of an interconnection agreement; or (2) SBC-IS can provide evidence that “it has ordered an interconnection service pursuant to a tariff that is generally available to other providers of IP-enabled voice services....”<sup>14</sup> The Commission adopted the facilities-readiness requirement also in part to safeguard competition so that SBC-IS, as a LEC affiliate, would not receive preferential treatment as compared to other VoIP providers.<sup>15</sup> This rationale, of course, is inapplicable to VoIP providers like Vonage that are not LEC affiliates.

Another purpose of the facilities-readiness requirement was to promote number resource optimization.<sup>16</sup> It concluded that “allowing carriers to build inventories [of numbering resources] before they are prepared to offer service results in highly inefficient distribution of numbering resources and is counterproductive to [the FCC’s] goal of optimizing the use of numbering resources.”<sup>17</sup> Thus, the Commission allowed carriers to demonstrate facilities readiness in a number of ways, including the provision of contracts for “unbundled network elements, network information showing that equipment has been purchased and is operational or will be operational, business plans, or interconnections agreements ....”<sup>18</sup> Accordingly, the facilities-readiness condition is meant to ensure that entities that receive numbering resources are in the position to use such resources imminently, not to impose burdensome requirements.

Vonage proposes instead that it submit to the NANPA or PA evidence that it has equipment in operation that allows for the exchange of traffic to the existing PSTN in time division multiplexing format. Evidence could take the form of an affidavit completed by an

---

<sup>14</sup> *See id.*

<sup>15</sup> *See id.* at ¶10 (“This requirement also helps to address the concerns raised by Vonage regarding the potential for SBCIS to obtain discriminatory access to the network of its incumbent LEC affiliate.”).

<sup>16</sup> *See generally Number Resource Optimization*, Report and Order, FCC 00-104 (rel. Mar. 31, 2000).

<sup>17</sup> *Id.* at ¶ 96.

<sup>18</sup> *Id.* at ¶ 97.

employee that Vonage: (1) owns or controls a softswitch; (2) that the softswitch is operational; and (3) that upon the receipt of numbering resources, Vonage will be able to provide either VoIP services to its customers using such equipment within 60 days or requires numbering resources in order to provision E-911 services to its customers.

Vonage emphasizes that facilities-readiness is just one tool utilized by the Commission to ensure the efficient use of numbering resources. When Vonage receives the direct assignment of numbering resources, the Company will be obligated to comply with all of the existing number rules. Vonage will have to certify that the number resources are “in service” to the NANPA or the PA subsequent to receiving an assignment of numbering resources. Additionally, upon the direct assignment of telephone numbers, Vonage will submit the NRUF on a semi-annual basis, participate in number pooling and comply with number portability requirements. In short, all of the regulatory mechanisms that are applicable to telecommunications carriers to ensure compliance with the Commission and state numbering resource optimization procedures will apply equally to VoIP providers pursuant to Vonage’s representations and the dictates of the *SBC-IS Waiver Order*. Thus, the Commission has adequate means at its dispose to ensure that Vonage will use numbering resources efficiently and remedies exist to address any problems that may arise.

#### **IV. CONCLUSION**

Vonage Network Inc., as the substitute petitioner herein, requires immediate approval of its petition for limited waiver of the Commission’s numbering rules in order to develop and deploy a nationwide E-911 solution for its customers. BellSouth has informed the Company that Vonage is responsible for supplying pANI – a critical component of Vonage’s E-911 solution. Vonage therefore seeks expedited approval of its waiver petition so that it can obtain these codes without delay. Vonage also requests that the Commission not subject the Company to a 30 day



notification requirement prior to requesting numbering codes from the NANPA or PA, and that it allow Vonage to demonstrate facilities-readiness as detailed herein.

Respectfully submitted,

/s/

William B. Wilhelm, Jr.

Russell M. Blau

SWIDLER BERLIN LLP

3000 K Street, N.W., Suite 300

Washington, DC 20007-5116

Telephone: (202) 424-7500

Facsimile: (202) 424-7647

Attorneys for Vonage Holdings Corp.

May 26, 2005